

Customer No.: 31561
Docket No.: 12278-US-PA
Application No.: 10/711,002

REMARKS

Present Status of the Application

The Office Action rejected claims 1-25 and 28-30 under 35 U.S.C. 102(b) as being anticipated by Sakano et al. (USPN 2003/0080341, hereinafter Sakano).

The Office Action rejected claims 26, 27, and 31 under 35 U.S.C. 103(a) as being unpatentable over Sakano as applied to claim 17 above, and further in view of Kuo et al. (USPN 2002/0096687, hereinafter Kuo).

In response thereto, Applicants have amended claims 1-3, 8, 12, 13, 17-19 and the specification to more clearly define the present invention. More specifically, red light fluorescent powder is amended to red-light fluorescent materials, green light fluorescent powder is amended to green-light fluorescent materials, yellow light fluorescent powder is amended to yellow-light fluorescent materials, and blue light fluorescent powder is amended to blue-light fluorescent materials. Further, the amendments are supported by paragraphs [0026], and [0039]~[0041] of the specification. Therefore, it is believed that the foregoing amendments add no new matter to the present application.

Upon entry of the amendments in this response, claims 1-31 remain pending in the present application, and reconsideration of those claims is respectfully requested.

Response To Claim Rejections Under 35 U.S.C. Section 102

Claims 1-25 and 28-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakano et al. (USPN 2003/0080341).

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In response thereto, Applicants have amended claims 1-3, 8, 12, 13, 17-19 to make the claims patentably distinguish over the prior art, and hereby otherwise traverse these rejections for at least the reasons set forth below. As described in detail hereinafter, Applicants respectfully submit that Sakano is legally deficient for the purpose of anticipating claims 1-3, 8, 12, 13, 17-19 because Sakano fails to disclose each element of the claims under consideration.

Independent claim 1, as amended, recites the following:

1. (currently amended) A white light light emitting diode (LED), comprising:

...

fluorescent powders, disposed around the exciting light source, comprising yellow-light fluorescent materials and at least two different fluorescent materials selected from a group consisting of red-light fluorescent materials, green-light fluorescent materials, and blue-light fluorescent materials

(Emphasis added)

The currently amended claims 8 and 17 also recite similar features.

Sakano, on the other hand, teaches, in paragraph [0213], a light emitting diode formed by a wavelength conversion layer having a mixture of a red light emitting fluorescent material, a blue light emitting fluorescent material and a green light emitting fluorescent material on the surface of the LED element.

For at least the foregoing reasons, Applicants respectfully submit Sakano fails to disclose, teach or suggest at least the limitations of "fluorescent powders, disposed around the exciting light source, comprising yellow-light fluorescent materials and at least two different

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fluorescent materials selected from a group consisting of red-light fluorescent materials, green-light fluorescent materials, and blue-light fluorescent materials" as required by the present invention and set forth in claims 1, 8 and 17. Therefore, independent claims 1, 8 and 17 patently define over the prior art reference, and should be allowed. For at least the same reasons, dependent claims 2-7, 9-16, 18-25 and 28-30 patently define over the prior art as a matter of law, because these dependent claims contain all features of their respective independent claims 1, 8 and 17. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Response To Claim Rejections Under 35 U.S.C. Section 103

Claims 26, 27, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakano et al. as applied to claim 17 above, and further in view of Kuo et al. (USPN 2002/0096687).

As discussed above, Sakano fails to disclose, teach or suggest at least the limitations of "fluorescent powders, disposed around the exciting light source, comprising yellow-light fluorescent materials and at least two different fluorescent materials selected from a group consisting of red-light fluorescent materials, green-light fluorescent materials, and blue-light fluorescent materials" as required by the present invention and set forth in claim 17. Therefore, claim 17 is unobvious and patentable over Sakano in view of Kuo et al..

Hence, claims 26, 27 and 31 depending on claim 17 should be allowed because these dependent claims contain all features of their respective independent claim 17. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).